

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,557

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Appeal of)

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INTRODUCTION

The petitioner appeals the Department of Social Welfare's denial of her application for Medicaid transportation services.

FINDINGS OF FACT

1. The petitioner is the single mother of three preschool aged children and receives ANFC and Medicaid benefits. Since February of 1994, she has been under the care of a psychiatrist who is treating her for post traumatic stress disorder and alcoholism.
2. The petitioner's treatment requires her to engage in daily therapy sessions and support group meetings. She suffers from severe stress and anxiety but has managed to stay sober for almost eleven months. The Department of Social and Rehabilitation Services pays for her children to attend a daycare center each weekday from 8:00 A.M. to 2:00 P.M. while she is in therapy.
3. The petitioner has had difficulty getting her children to the daycare center. She has no driver's license or car and the center is two miles away, up a hill. Her children, who are four years old, twenty months and five months old, are difficult to transport on foot. She gets the children to the center through the assistance of friends, when she can, or by paying for a taxi which she can ill afford on her ANFC budget. The town school district in which she lives has been unsuccessful in finding a day care center which might provide transportation for her children.
4. Both the school district and her medical providers have attested to the necessity of day care services for the petitioner's medical treatments and for the children's own well-being.
5. The petitioner requested assistance with transportation to the daycare center through the ANFC program and through the daycare service program at SRS but was orally denied by both. She has

received no written denial in either program.

6. On January 3, 1995, the petitioner applied for Medicaid transportation payment for her children to attend daycare. She was denied by the Department on March 1, 1995, because the request did not involve transportation to and from necessary medical services for the petitioner. The petitioner appealed that decision.

ORDER

The Department's decision to deny the petitioner under the Medicaid program is affirmed.

REASONS

There is no question that the petitioner's request for transportation services in this situation is both reasonable and compelling. However, payments for transportation under the Medicaid program are limited as follows:

Transportation

Transportation to and from necessary medical services is covered and available to eligible Medicaid recipients on a statewide basis.

The following limitations on coverage shall apply:

...

3. Transportation is to and from necessary medical services.

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There is no provision in the regulation which authorizes payment of transportation expenses for any service other than a medical service for the recipients. The daycare service to which the petitioner seeks transportation is not a medical service either for her or for her children. It is certainly a social service which enables the petitioner to participate in a medical service, but the Medicaid regulations do not extend to payment of services which are purely social in nature, no matter how necessary they may be to an individual's participation in a medical service. The Medicaid program was designed to provide payment for transportation to and the provision of medical services themselves and was not intended to remove all social barriers persons might have in obtaining medical care. See Title XIX of the Social Security Act, 42 U.S.C. § 1396, *et. seq.*

The petitioner was advised at her hearing to reapply for benefits under the ANFC program and the day care program at the Department of Social and Rehabilitation Services and to request a written decision on her request which could be appealed if she is dissatisfied. It should be well known to eligibility specialists by this time that applicant's due process rights and welfare regulations (see e.g. W.A.M. § 2228) require written decisions on requests for benefits. Applicants should never be required, as this

petitioner has, to make requests for written decisions. They should be provided as a matter of course and consistent practice.

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